REMARKS

Applicants have cancelled claims 6 and 10, and incorporated limitations of cancelled claim 6 into claim 1. Applicants have also amended claims 7 and 8 to more clearly delineate the claimed subject matter. No new matter has been introduced.

Note that, in response to the restriction requirement dated November 17, 2000, Applicants elected Group I, i.e., claims 1-11, for prosecution. However, only claims 1, 3, and 11 are being examined at this stage. Since the other claims will be examined after claims 1, 3, and 11 have been allowed, the amendments to claims 7 and 8 should also be entered.

The Examiner has rejected claims 1, 3, and 11 under 35 U.S.C. § 102(b), as being anticipated by CAPLUS English abstract of Japanese Patent No. 62005126 B4 ("JP '126"). Applicants respectfully traverse as follows.

Claim 1, the only independent claim, will be discussed first.

Claim 1, as amended, covers an American ginseng extract that is obtained by extraction, centrifugation, and filtration with an ultrafiltration membrane with molecular weight cut off at least 1,000. Thus, each of the components in the extract has a molecular weight of at least 1,000.

JP '126 discloses a composition including active components (i.e., saponins) isolated and purified from a plant such as American ginseng. It does not teach filtration, let alone filtration with an ultrafiltration membrane with molecular cut off at least 1,000. Thus, some of the components in the composition have molecular weights of less than 1,000.

More importantly, results in Table 1 (see the Specification, page 10) clearly show that anti-ulcer activity, i.e., inhibition (%) increased from 27% to 37% ~51% when an American ginseng extract was filtered through a molecular weight-selective membrane to remove any components having molecular weights of less than 1,000. Thus, the crux of claim 1 relates to a unique American ginseng extract which has been filtered through a molecular sieve. JP '126 does not teach or even suggest removing from an American ginseng extract components having molecular weights of less than 1,000.

For the reasons set forth above, claim 1, as amended, is not anticipated by JP '126. Neither are claims 3 and 11, which depend from claim 1.

Note that claim 3 is not anticipated by JP '126 on an independent ground. More specifically, claim 3 covers an American ginseng extract that is obtained by extraction with a solvent having a polarity higher than 0.88. JP'126 is totally silent on using such a solvent.

CONCLUSION

For the reasons above, Applicants submit that all claims, as amended, are now in condition for allowance, an action of which is requested.

Attached is a marked-up version of the changes being made by the current amendment.

Also enclosed is a check for $370 for the Request for Continued Application fee.

Please apply any charges to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 11-28-01

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 6 and 10 have been cancelled.

Claims 1, 7, and 8 have been amended as follows:

1. (Twice Amended) A pharmaceutical composition for preventing or treating peptic ulcer, [consisting essentially of] comprising:

(i) an American ginseng extract in an amount effective for preventing or treating peptic ulcer; and

(ii) a pharmaceutically acceptable carrier;

wherein said American ginseng extract is extracted with a solvent, centrifuged, and filtered through an ultrafiltration membrane with molecular weight cut off at least 1,000 to give a retentate, and the retentate being concentrated to give the American ginseng extract.

7. (Amended) The pharmaceutical composition according to claim [6] 1, wherein said American ginseng extract is extracted with water or 10% ~ 80% ethanol aqueous solution, centrifuged, and filtered through an ultrafiltration membrane with molecular weight cut off 1,000 to give a retentate and a filtrate containing substances with molecular weight less than 1,000 dalton, the filtrate being concentrated to dry, added ethanol solution to dissolve said substances, filtered said ethanol solution to obtain a soluble portion, added said soluble portion into said [extract I as claimed in claim 6] retentate to obtain a mixture, and concentrated said mixture to give the American ginseng extract [II].

8. (Amended) The pharmaceutical composition according to claim 1, wherein [said American ginseng extract is extracted with] said solvent is water or 10% ~ 80% ethanol aqueous solution, [centrifuged, filtered through] and said ultrafiltration membrane with molecular weight cut off at least 1,000 is a membrane with molecular weight cut off 3,000 to give a retentate containing substances with molecular weight greater than 3,000 dalton, and the retentate being concentrated to give the American ginseng extract [III].